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Summary record of the 25th meeting
Held at Headquarters, New York, on Wednesday, 23 October 2002, at 3 p.m.

Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 3.05 p.m.

Agenda item 105: Promotion and protection of the rights of children (*continued*) (A/C.3/57/L.23)

Draft resolution A/C.3/57/L.23: The situation of and assistance to Palestinian children

1. **Ms. Khalil** (Egypt) said that the representative of South Africa, speaking on behalf of the members of the Non-Aligned Movement, had introduced the draft resolution at the special session of the General Assembly in 2002, held as a follow-up to the World Summit for Children. The Non-Aligned Movement and the delegation of Palestine had agreed to the request that the draft resolution should not be introduced at that time so that a resolution which would not have an influence on the unanimous approval of the final document could be adopted at the special session, with the proviso that the draft would be presented on another occasion and in the appropriate forum. Egypt was introducing the draft resolution on behalf of the sponsors listed in the document.

2. **The Chairman** informed the Committee that Zimbabwe had joined the sponsors.

Agenda item 107: Elimination of racism and racial discrimination (*continued*) (A/57/3 (Parts I and II))

(a) Elimination of racism and racial discrimination (*continued*) (A/57/18, A/57/83-E/2002/72, A/57/204, 333 and 334)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/57/443 and 444)

Agenda item 108: Right of peoples to self-determination (*continued*) (A/57/178 and 312)

3. **Ms. Pulido Santana** (Venezuela), speaking on behalf of the Group of 77 and China, said that, during the year that had passed since the historic World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, considerable efforts had been made to implement the Durban Declaration and Programme of Action. The first significant step had been the endorsement of those documents by the General Assembly at the beginning of 2002. On that occasion, it had also been acknowledged that those documents constituted a solid foundation for further action and initiatives in the context of the global fight against racism, racial discrimination, xenophobia and related intolerance.

4. Another equally important step had been the adoption by the Commission on Human Rights, on 25 April 2002, of resolution 2002/68, which contained specific provisions that would contribute towards the faster implementation of the Durban outcome documents, such as the establishment of an intergovernmental working group mandated to make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action and to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

5. In addition, a decision had been taken to establish another working group, which would meet before the fifty-ninth session of the Commission, in order to study the problems of racial discrimination faced by people of African descent living in the diaspora and to propose measures to ensure that those people had full and effective access to the judicial systems of the countries in which they were resident. Likewise, the group would have to submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent and to elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against those people, including proposals for a mechanism to monitor and promote their human rights.

6. The working group would be composed of five experts, one from each regional group. However, given that there had been delays in the nomination of experts by two regional groups, she called on those groups which had not yet nominated their respective representatives to do so as soon as possible, so that the working group could fulfil its mandate in a timely fashion.

7. There was no doubt whatsoever that the success of the Durban Plan of Action would require political will and adequate funding at the national, regional and international levels, and international cooperation. In that context, the Commission on Human Rights had decided to set up a voluntary fund to provide, inter alia, additional resources for the effective implementation of

the Durban commitments. The Commission had also strongly appealed to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. The Group of 77 and China echoed that appeal.

8. The Third Decade to Combat Racism and Racial Discrimination would come to an end in 2003. It was regrettable that, in the main, the objectives of its Programme of Action had not been attained, which meant that the scourges of racism, racial discrimination, xenophobia and related intolerance were negatively affecting millions of people worldwide. The Group of 77 and China considered that it would be appropriate to carry out a study to evaluate the successes and obstacles encountered in the implementation of the commitments made during the Third Decade. It would be useful to have the analytical report on the extent of the implementation of the Programme of Action, which had been requested from the Office of the High Commissioner for Human Rights, prior to the end of the Third Decade in 2003. It would also be extremely helpful to receive an assessment from the Commission on Human Rights on that issue so that its recommendations on additional measures could be transmitted to the General Assembly.

9. In the statement it had delivered at the beginning of the year, the Group of 77 and China had referred to the importance of the comprehensive approach to racism and racial discrimination provided by the Durban Conference. She reiterated that such an approach, together with an understanding of the origins and contributing factors which gave rise to racism, should make it possible to adapt the institutional framework in order to continue working towards the eradication of racism and racial discrimination, including new and emerging forms thereof.

10. The Group of 77 and China were in full agreement with the findings of Mr. Maurice Glèlè-Ahanhanzo, the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who, in his report, had pointed out that the Durban Declaration and Programme of Action contained all the elements necessary for a mobilization of efforts and the taking of effective action against those evils, and that efforts should be made to ensure that that text did not remain a dead letter but instead should become living testimony of the steadfastness of the international community's struggle against such archaisms in the twenty-first century as racism, racial discrimination, xenophobia and related intolerance.

11. The Group of 77 and China reiterated their unequivocal commitment to the realization of the vision contained in the outcome document of the World Conference against Racism and were willing to cooperate, in good faith and in the most constructive manner, with the rest of the international community and all other interested parties, at all levels, in efforts to attain the full implementation of the final documents of Durban.

12. **Mr. Nene** (South Africa), speaking on behalf of the Southern African Development Community (SADC), associated himself fully with the statement made on behalf of the Group of 77 and China and said that the Community was one of the regions where the worst forms of racism and racial discrimination had been experienced. The Governments in the region were grappling with those problems and therefore placed particular emphasis on implementation of the Durban Declaration and Programme of Action, which provided a solid foundation for the mobilization against all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels.

13. The countries of the region had undertaken collective efforts to ensure that core human-rights principles were at the forefront of all national action plans to combat racism and were working hard to ensure that national policies were underpinned by principles such as non-discrimination, equity, participation, transparency and accountability.

14. The Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights had recently organized a regional seminar in Nairobi aimed at follow-up to and implementation of the Durban Declaration and Programme of Action in which the Community had participated actively. The Community called for more transparency and close consultation between the Office of the High Commissioner and States on issues relating to the activities of the Unit; one area where consultation was needed was transfer of responsibility for implementation of the Third Decade to Combat

Racism. It also strongly believed that funds should be provided from the United Nations regular budget to finance the Unit's activities and programmes.

15. SADC fully supported the resolution adopted by the Commission on Human Rights at its fifty-eighth session which set in motion practical steps and actions necessary for effective implementation of and follow-up to the Durban Declaration and Programme of Action. He recalled that the Economic and Social Council, at its July 2002 substantive session, had endorsed the resolution submitted by the African Group and SADC hoped the General Assembly would endorse the decisions of the Commission and the Council, which would guide the implementation phase of the Durban outcome documents.

16. Increased funding should be provided for the effective functioning of the Committee on the Elimination of Racial Discrimination as well as for better servicing of the office of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance.

17. He reiterated the importance SADC attached to collective efforts to fight all forms of racism, and therefore called on all regions which had not yet nominated their representatives to the working groups on implementation of the Durban Declaration and Programme of Action to do so as soon as possible.

18. **Mr. D'Alotto** (Argentina) said that the Durban Declaration and Programme of Action had included as a priority the development by States of national plans to combat discrimination. During a visit to Argentina in October 2001, the United Nations High Commissioner for Human Rights had signed a memorandum of understanding with his Government aimed at initiating United Nations support and cooperation with a view to developing the Argentine plan to combat discrimination. On 10 December 2001, on the occasion of International Human Rights Day, the Argentine Ministry of Foreign Affairs had organized a day on the theme, "Proposals for the development of a national plan to combat discrimination", co-sponsored by the Ministry of Foreign Affairs, the Ministry of Justice and Human Rights and the Office of the United Nations Resident Representative, which had been the first activity undertaken in that context. Participants had included governmental bodies responsible for discrimination issues, eminent persons from the academic world, legislators and the major non-governmental organizations. Following a wide-ranging discussion on the shape such a national plan should take, the participants had decided to prepare a preliminary status report for 10 December 2002, to be definitively approved by June 2003.

19. At the same time, the Argentine Bureau for Dialogue (*Mesa del Diálogo Argentino*), a forum for review of all aspects of political, social and economic life in the country aimed at bringing Argentina out of its current crisis, sponsored by the Catholic Church, the United Nations and the Government, had agreed to include among its main conclusions the need for Argentina to develop a national plan to combat discrimination.

20. The national plan being developed would be structured in accordance with the Durban outcome documents, in other words, based on such criteria as transparency and full participation by civil society, and stressing a decentralized framework for the identification of problems as well as for the development of proposals. Issues would be analysed with account taken of the perspective of victims of discrimination as well as that of the administrative authorities which could adopt concrete measures to promote the elimination of discriminatory practices. An interministerial committee would coordinate development of the plan and the United Nations Development Programme (UNDP) would provide valuable support to the preparatory process. His Government had organized training courses for civil servants at the national, provincial and municipal levels to assist them in implementing the plan.

21. His Government fully supported the objectives set out in Durban and, although it found itself in an especially delicate institutional, political and economic situation, it expected to make progress in implementing the Durban commitments at the national level. Those ideals should likewise be implemented worldwide, on the understanding that discriminatory practices occurred in all societies and that efforts to protect the fundamental equality of all persons must be ongoing. The previous year the General Assembly had overwhelmingly supported the Durban Declaration and Programme of Action; no member of the international community had debated or questioned the value of its basic tenets. In such an important area, it was essential that the international community should be able to continue to work towards the widest possible consensus. No good would come from divisiveness and

confrontation, which could only serve to hinder the vigorous action needed to combat racism. He looked forward to being able to support in the current year a resolution which would be sufficiently realistic to ensure that the Durban outcome documents were implemented without delay.

22. **Mr. Akram** (Pakistan) said that his delegation associated itself with the statement on agenda item 107 made by the Group of 77 and China. The World Conference at Durban had demonstrated a renewed commitment by the international community to combat racism, racial discrimination, xenophobia and other related forms of intolerance and had attempted to design a cooperative and peaceful future course. Although many had hoped that the Conference would help to mitigate the plight of millions afflicted by various forms and manifestations of racism, a year later, conditions had not improved and in some cases had deteriorated further. There was a resurgence of racism, racial discrimination and xenophobia in various parts of the world, and nationalist political parties had emerged in some traditionally tolerant societies.

23. His delegation endorsed the conclusions in the report of the Secretary-General (A/57/204) that combating racism, discrimination, xenophobia and related intolerance required conviction, consistency, perseverance and determination and that an in-depth study must be conducted to analyse from a holistic perspective the causes of the migratory phenomenon and to examine the human dimension of globalization.

24. Discrimination against ethnic and religious minorities and emigrants and refugees had also increased, in particular those from Africa, Asia and the Arab world, who were often subjected to racial and religious profiling and became scapegoats for the social and economic problems of their host countries. Immigrants suffered prejudice and discrimination in their host countries, which were obligated under international human rights law to facilitate the peaceful integration of immigrant communities without suppressing their cultural or religious identity.

25 The defamation of Islam and discrimination against Muslims represented the most notable demonstration of contemporary racism and intolerance. Recent blasphemous remarks against Islam by certain religious leaders and other personalities were manifestations of religious bigotry and demagoguery disseminated by the global communications media under the pretext of freedom of expression. Unfortunately, the silence from the usual defenders of religious tolerance and non-discrimination — the United Nations, human rights officials and mechanisms and liberal politicians — had been deafening. Partly as a reaction, prejudice against the West had also risen in a number of Muslim countries. Those who defamed a religion, through words or actions, desecrated religious sites or insulted religious personalities should be denounced unequivocally. Acts of intolerance, discrimination, stereotyping, racial profiling and hate mongering must be opposed. Hate must be confronted with the same zeal as terrorism. Religious and cultural diversity must not be used as a rationale for new ideological and political confrontation. As the President of Pakistan had said, the General Assembly should consider the adoption of a declaration on religious and cultural understanding, harmony and cooperation.

26. Other age-old practices and institutions of racism, such as the caste system in India, must still be addressed. The omission of the caste system, which affected millions of Hindus, from any of the documents of the Durban Conference, was a gaping hole in the endeavours of the world community to eradicate racism. Hindu fundamentalism was gaining strength, with alarming implications for the region and the world. The philosophy and practice of the ruling Hindu extremist parties called for institutionalized discrimination and suppression of Muslims, Christians, Buddhists and other non-Hindus. Since 1947, there had been 3,000 riots each year, and violence by Hindus was rising. In February, over 2,000 Muslim men, women and children had died in a massacre in Gujarat that Human Rights Watch had stated had been planned in advance and carried out with the cooperation of the authorities. New Delhi had participated in a cover-up of that genocide, and no one had been held accountable. Since the national Government of India was unwilling to prosecute Bharatiya Janata Party officials, those guilty of the massacre should be charged and tried by an international tribunal for the crime of genocide and for gross violations of human rights instruments. Otherwise, India's Hindu fanatics would continue to wage their war of hate, violence, discrimination and elimination against Muslims and other minorities. The world could no longer remain a silent spectator to such acts of genocide.

Statements in exercise of the right of reply

27. **Mr. Tamir** (Israel), speaking in exercise of the right of reply in reference to the statement by the representative of Egypt made at the previous meeting, said that since 1979, his country had upheld a peace treaty with its neighbour Egypt, to which it had returned all the territory in the Sinai. However, the statement of Egypt represented a new and virulent accusation against Israel that could be used to justify terrorism rather than encourage a culture of peace. Any delegation which made a distinction between terrorism and so-called resistance supported terrorism and its perpetrators. The State of Israel respected the right of self-determination, but demanded that its de facto existence and its right of self-determination must also be recognized.

28. **Ms. Khalil** (Egypt), speaking in exercise of the right of reply, said that Egypt had been the first country to attempt to make peace with Israel in order to end a prolonged war. Based on that principle, it was clear that, in order to achieve peace in the region, Israel must take the necessary steps to allow the Palestinians to exercise their right of self-determination and to a free State. The occupation of the territory of another people ran counter to democracy and a culture of peace. Egypt condemned terrorism in all its forms, but Israel must not confuse matters; the right to resistance was a legitimate right and should not be mistaken for terrorism. Unless there was a withdrawal by Israel, the Palestinian people would continue their struggle for independence.

The meeting rose at 4 p.m.